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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,324	01/26/2001	Saul R. Dooley	GB 000062	7672
24737	7590	01/25/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			PARTHASARATHY, PRAMILA	
			ART UNIT	PAPER NUMBER
			2136	
DATE MAILED: 01/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,324

Applicant(s)

DOOLEY, SAUL R.

Examiner

Pramila Parthasarathy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,9,10,17,21-23 and 40-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,9,10,17,21-23 and 40-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to request for reconsideration filed on September 15, 2004. Original application contained Claims 1 – 39. Claims 1 – 4, 6 – 8, 11 – 16, 18 – 20 and 24 – 39 were cancelled. New Claims 40 – 42 were added. Therefore, presently pending claims are 5, 9, 10, 17, 21 – 23 and 40 – 42.

Response to Arguments

2. Applicant's arguments filed on September 15, 2004, have been fully considered but they are not persuasive for the following reasons:

Applicant argued that the cited prior arts (CPA) [Reed et al. U.S. Patent number 6,275,707] do not teach, suggest or disclose, "determining the location of a separately housed, second device located near to the first device", "sending a request from the first device to the second device that the second device provide its location to the first device", "providing the location of the second device to the first device", and "using the location of the second device as an estimate of the location of the first device".

Reed teaches and describes a method for estimating location of devices from a first device to a second device to provide estimates of devices that do not have location

determination capabilities or for the devices that have location determining means is inoperative. The method is described with a detailed illustrative embodiment (Fig. 1, 3-5 and Column 1 line 15 – Column 5 line 55), including the steps of determining the location of a separately housed second device located near to the first device (Fig. 3, 4; Column 3 line 6 – Column 4 line 67 and Column 6 line 5 – Column 8 line 45), sending a request from the first device to the second device that the second device provide its location to the first device (Column 2 lines 38 – 56), providing the location of the second device to the first device (Fig. 1; column 3 line 6 – Column 4 line 67 and Column 6 line 5 – Column 8 line 45) and using the location of the second device as an estimate of the location of the first device (Fig. 3, 4; Column 3 line 6 – Column 4 line 67 and Column 6 line 5 – Column 8 line 45).

Regarding newly added independent Claim 40, Reed teaches a transmitter for sending a request for location information (Fig. 2 #112, #122 and Column 2 lines 38 – 56), a receiver for receiving location information from that recipient (Fig. 2 #106, #108 and #122; Column 2 lines 28 – 56) and a processor for processing received location information to generate an estimate of the device's own location (Fig. 2 #112, Fig. 3 #306 (processing system) and column 3 lines 6 – 44).

Regarding newly added independent Claim 41, Reed teaches a transmitter for sending a request for location information (Fig. 2 #112, #122 and Column 2 lines 38 –

56), wherein the request is sent when the location determining means is inoperative (Column 1 lines 46 – 58).

Regarding newly added independent Claim 42, Reed teaches a transmitter for sending a request for location information (Fig. 2 #112, #122 and Column 2 lines 38 – 56), wherein the request is sent only when the location determining means is inoperative (Column 1 lines 46 – 58).

Applicant clearly has failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts. Therefore, the examiner respectfully asserts that CPA does teach or suggest the subject matter broadly recited in independent amended claims 5 and 17 and independent new claim 40. Dependent claims 9, 10, 21 – 23, 41 and 42 are also rejected at least by virtue of their dependency on independent claims and by other reason set forth in this and previous (06/16/2004) office action. Accordingly, the rejection for the pending Claims 5, 9, 10, 17, 21 – 23 and 40 – 42 is respectfully maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 5, 9, 10, 17, 21 – 23 and 40 – 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Reed et al. (U.S. Patent Number 6, 275,707).

Regarding Claim 5, Reed teaches and describes a method of providing an estimate of the location of a first device comprising the steps of determining the location of a separately housed, second device located near to the first device (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55);

sending a request from the first device to the second device that the second device provide its location to the first device (Column 2 lines 38 – 56);

providing the location of the second device to the first device (Fig.1; column 3 line 6 – Column 4 line 67 and Column 6 line 5 – Column 8 line 45); and

using the location of the second device as an estimate of the location of the first device, wherein the location of the second device is provided to the first device using a wireless communications link (Fig. 3, 4; Column 1 lines 15 – 40 and column 3 lines 6 – Column 4 line 67).

Regarding Claim 17, Reed teaches and describes the combination of first and second separately housed devices for estimating of the location of the first device; wherein the second device comprises location determining means for determining the

location of the second device and providing the location to the first device (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55);

wherein the first device is arranged to send a request to the second device that the second device provide its location to the first device (Column 2 lines 38 – 56);

wherein the first device uses the location of the second device as an estimate of its location; and wherein the location of the second device is provided to the first device using a wireless communications link (Fig. 3, 4; Column 1 lines 15 – 40 and column 3 lines 6 – Column 4 line 67).

Regarding Claim 40, Reed teaches and describes a device comprising a transmitter for sending a request for location information to a recipient external to the device (Fig. 2 #112, #122 and Column 2 lines 38 – 56);

a receiver for receiving location information from that recipient (Fig. 2 #106, #108 and #122; Column 2 lines 28 – 56); and

a processor for processing received location information to generate an estimate of the device's own location (Fig. 2 #112, Fig. 3 #306 (processing system) and column 3 lines 6 – 44).

Claims 9, 21 and 41 are rejected as applied above in rejecting claims 5, 17 and 40. Furthermore, Reed teaches and describes a method of providing an estimate of the location of a first device comprising the steps of determining the location of a separately housed, second device located near to the first device providing the location of the

second device to the first device (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55), wherein the first device comprises location determining means to determine its location; and wherein the request is sent when the location determining means is inoperative (Column 1 lines 46 – 58).

Claim 23 is rejected as applied above in rejecting claim 17. Furthermore, Reed teaches and describes a method of providing an estimate of the location of a first device comprising the steps of determining the location of a separately housed, second device located near to the first device providing the location of the second device to the first device (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55), wherein the first device comprises location determining means to determine its location; and wherein the first and second devices are interchangeable such that they may reciprocate assistance provided by the other (Column 3 line 66 – Column 4 line 24).

Claims 10, 22 and 42 are rejected as applied above in rejecting claims 9, 21 and 41. Furthermore, Reed teaches and describes a method of providing an estimate of the location of a first device comprising the steps of determining the location of a separately housed, second device located near to the first device providing the location of the second device to the first device (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55), wherein the request is sent only when the location determining means is inoperative (Column 1 lines 46 – 58).

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795.

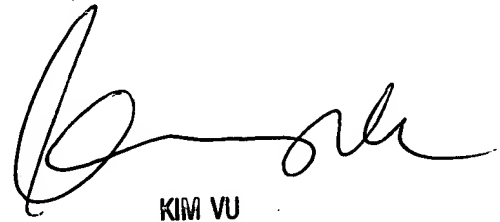
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy

January 22, 2005.

A handwritten signature in black ink, appearing to read 'Kim Vu', is written over a circular stamp.

KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER